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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/620,469	07/20/2000	Du-seop Yoon	1293.1132/MDS	3077

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EXAMINER

ANGEBRANNDT, MARTIN J

ART UNIT	PAPER NUMBER
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1756

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DATE MAILED: 07/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/620,469

Applicant(s)

YOON ET AL.

Examiner

Martin J Angebrannt

Art Unit

1756

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.


3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: none.Claim(s) objected to: none.Claim(s) rejected: 1-3, 5, 6, 8-11 and 13-21.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

  
Martin J Angebrannt  
Primary Examiner  
Art Unit: 1756

Continuation of 5. does NOT place the application in condition for allowance because: The applicant argues that issue of "family", noting that other patents have issued with this term in the claims. The examiner is of the opinion that it is similar to "type" addressed in the MPEP 2173.05(b), fthe applicant might simply delete "family" and used "comprising" to describe the group to obviate this issue. The "family" term seems to describe members sharing a property, such as phase changability, based upon the dictionary definition and therefore the examiner's position does not seem as far afield as argued by the applicant. In each of the references applied, a layer disclosed by the applicant as a phase control layer materials is present.. The applicant argues that the gold layer does not act in the manner described in the instant specification and in claim 13. There is no evidence that the gold layer of the applicant is any different from that of the prior art. The examiner notes that the use a phase masking layer is taught in another of the references as are other multilayered phae change recording media. The applicant needs to establish distinctness between the claimed inventiuon and these. The argument of of the need to show the media of the prior art operative in the same manner only needs to be shown in the case of claims direct to the process. The properties of the additional phase change layers and the gold layers in controlling phase is inherent. The examiner notes that these are the same materials disclosed by the applicant in the same locations in the optical recording medium structure. The applicant apparently fails to recognize that phase change matewrials are phase change materials and might note the similarities in the claimed materials for the phase change recording layers (claim 11) and the phase control layers (claim 13). The applicant also fails to appreciate the meaning of OPTICAL recording media as there are arguments even asserting that the OPTICAL recording medium is not responsive to light.

  
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